



## *Nova Scotia College of Chiropractors Board Regulation: Telehealth*

*Approved by  
the Board of  
the NSCC*

*Effective  
March 24, 2020*

*Revised  
May 5, 2020*

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4*

### **Intent:**

The intent of this regulation is to provide chiropractors registered with the Nova Scotia College of Chiropractors (NSCC) guidelines on the provision of Telehealth services to patients.

### **Introduction:**

The NSCC recognizes the progress and development of telecommunication technologies and its use in clinical practice. The role of the College is to regulate chiropractors, not technology. Chiropractors who choose to provide chiropractic care using telemedicine must continue to meet all of the same legal, ethical and professional requirements required in a more traditional clinical setting. The minimum standard of care must be met by members.

### **Duration of Telehealth Regulation:**

The NSCC grants limited duration for the practice of temporary Telehealth to coincide with the length of time the pandemic is in effect, which is considered the termination date. This temporary Telehealth permission may be shortened or extended at the discretion of the Board of the NSCC.

The Registrar may remove permission to practice temporary Telehealth from practitioners who are in violation of the rules as established by the Board of the NSCC.

Termination of the term for temporary Telehealth compels chiropractors, who chose to practice temporary Telehealth, to cease and desist performing and billing all Telehealth services on or before 11:59:59 P.M. on the termination date, as established by a motion from the Board of the NSCC. Further billing or completion of Telehealth services in any form past the termination date will be referred to the Registrar and may result in initiation of the complaints process.

The Registrar may remove permission to practice temporary Telehealth from practitioners who are in violation of the rules as established by the Board of the NSCC.

### **Requirements:**

All chiropractors who wish to provide Telehealth services must:

1. be a registered member in good standing of the Nova Scotia College of Chiropractors (NSCC).
2. have Professional Liability Protection/Insurance as per the NSCC Regulations Section 7.2 (b). (Note: The Canadian Chiropractic Protective Association (CCPA) has indicated they will include that practice of temporary Telehealth under a members professional liability protection, if they have current CCPA coverage. It is the responsibility of NSCC members that use other profession liability protection/insurance providers to demonstrate to the NSCC that their provider will extend professional liability coverage to Telehealth consultations.)
3. only provide Telehealth services to residents of Nova Scotia

4. be present within the Province of Nova Scotia at the time they are providing Telehealth services to patients
5. understand that the provision of temporary Telehealth services may only be provided by the member registered with NSCC and may not be delegated to anyone else.

Chiropractors are required to use their professional judgement to determine if temporary Telehealth is appropriate, and they are bound by the following guidelines:

1. Consultations provided through Telehealth are subject to the NSCC Standards of Practice and NSCC Code of Ethics that guide clinical practice and decision making for all members.
2. Telehealth encompasses any form of remote consultation regardless of the formal term used by the chiropractor.
3. The chiropractor must determine if Telehealth is the most appropriate available method for the delivery of services and in circumstances where it is deemed to not be sufficient, the chiropractor should discontinue the telehealth process until an in-person assessment can be performed or the appropriate referral can be made.
4. The chiropractor must consider the patient's existing health status, specific health care needs and circumstances and only use Telehealth services if it is in the best interest of the patient.
5. The patient must be made aware of the process to follow if they have a concern or complaint about the chiropractor or the services that they receive through Telehealth. (For NSCC members, this is through contact with the Complaints Officer at [inquiries@chiropractors.ns.ca](mailto:inquiries@chiropractors.ns.ca)).

### Patient Eligibility:

The chiropractor may provide Telehealth services for both 'New Patients' and 'Existing Patients' given the following:

- The patient receiving Telehealth services is a resident of Nova Scotia
- The patient receiving Telehealth services has provided appropriate informed consent for chiropractic Telehealth treatment

### Eligible Services:

The services that can be provided during a Telehealth consultation include the following:

#### New Patient Services:

- The Chiropractor may perform a New Patient initial consultation including a full history and video-monitored examination in order to determine the patient's eligibility for further Telehealth services
- If the Chiropractor makes a clinical decision to provide further care (either in person or by Telehealth) he/she should provide a treatment plan, in accordance with the Standards of Practice and related documents involving new patients

#### Existing Patient Services:

- The chiropractor may monitor, observe, and prescribe changes to therapeutic exercises. This must occur via video only.
- The chiropractor may consult on lifestyle and nutritional needs, provide lifestyle and nutritional recommendations, and alter lifestyle and nutritional recommendations if in-person attendance is not required.
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- Chiropractors **may not** refer for diagnostic imaging based on the Telehealth consultation. The determination for diagnostic imaging can only be determined after an appropriate in-person consultation and examination.

## Informed Consent:

As with all chiropractic services, for consent to be valid it must first be informed. In addition to the general requirements for informed consent outlined in the Standards of Practice and related documents, the chiropractor will augment the informed consent process as required to relate more appropriately to Telehealth treatment. This includes informing patients of available treatment options including the possibility of in-person care, delaying care until in-person care is available, and the unique risks and benefits that temporary Telehealth provides.

To support temporary Telehealth delivery the chiropractor must obtain consent from their patient:

- To receive services via temporary Telehealth consultation as opposed to in-person care.
- To record, and store the information and data from the temporary Telehealth session in accordance with customary record-keeping requirements.
- For the transmission of information via temporary Telehealth technologies.

Informed consent **MUST** be documented in the file in a written form. Written documentation from patients confirming informed consent can be obtained in the following ways:

- From the patient directly whereby the chiropractor provides the informed consent document to the patient electronically, the patient prints and signs the document and sends it back to the practitioner electronically. This is the preferred method.
- Verbal consent whereby the Chiropractor documents all details of the informed consent process between the Chiropractor and the patient, in written form, in the file.

The chiropractor must develop policies and procedures to:

- Verify their identity to patients.
- Verify the identity of the patients whom they are conducting a Telehealth consultation.
- Document the verification policy and processes used.

The chiropractor must inform patients of any limitations that Telehealth services impose on chiropractic treatment, such as the inability to apply hands-on evaluation and treatment.

The chiropractor must inform patients of the risks inherent in the delivery of services using Telehealth delivery of services, including risks to privacy of patient information and safeguards the chiropractor is employing to address these risks.

The chiropractor must consider the relevance and appropriateness of including a “hold harmless” clause for information lost due to technology failure in patient agreements, privacy statements, and consent documentation.

## Privacy:

Chiropractors are expected to practice in compliance with all legislative and regulatory requirements relevant to their practice, including privacy legislation. The chiropractor is required to:

- Comply with all privacy and security requirements during the provision of Telehealth services and when they are in contact with the patient through all electronic means such as arranging appointments via email.
- Document privacy and security measures used to protect the patient’s private information.
- Employ authentication and encryption technologies, as well as secure transmission systems and storage mechanisms.
- Develop policies and practices to ensure that patient records cannot be accessed by unauthorized users, tampered with or destroyed, and are protected at both the originating and remote sites.

- Secure all physical devices used in Telehealth when storing patient information related to Telehealth services.
- Maintain awareness of current and emerging risks to patient privacy inherent to Telehealth practice and employ technical, administrative, and physical controls to address these risks.

## Documentation:

Services delivered via Telehealth are subject to the same standards of practice as in-person chiropractic services; however, several additional documentation and record-keeping considerations must be addressed.

The chiropractor is required to:

- Retain accountability for evaluating any information gathered from a third-party source (such as a non-chiropractor health provider). The chiropractor must determine its reliability and accuracy and the ability to incorporate the information into the assessment or treatment.
- Maintain written records summarizing all interventions consistent with the Standards of Practice and related documents.
- Document appropriate financial record as a Telehealth consultation.

## Fees and Billings

Chiropractors are required to provide fee schedules and invoices that are transparent, accurate, and comprehensive. When delivering services using Telehealth, the chiropractor:

- must inform the patient of the fee prior to the consultation.
- must also disclose the limited scope of the Telehealth services the patient will receive for the fee.
- must provide invoices that clearly reflect that chiropractic services were delivered via Telehealth.
- must inform the patient that, if they provide direct billing to any third party payers (eg. insurance companies or workers compensation board of Nova Scotia), they may not have the ability to submit Telehealth services to third-party payers for reimbursement. It is the responsibility of the chiropractor to confirm if these services are eligible for reimbursement through third party payers.